S.B. Civil Writ Petition No.7803/92
Ram Chandra Singh Vs. State & Ors.

13/07/2005

Hon'ble Mr. Justice Ajay Rastogi

Mr. P.K. Sharma, for the petitioner
Mr. B.K. Sharma, Dy.G.A. for the respondents

This writ petition has been filed on apprehension by the petitioners that respondents may terminate their services in view of circular dt.30.10.92 [Ann.5] on the premise that the qualifications of NTC/Diploma certificate awarded by the National Council for Vocational Training were not considered as a sufficient qualification for the post of Teacher Gr.III. The competency of such Teachers, who are having vocational qualifications, were not possessing the academic qualification ultimately the Hon'ble Supreme Court in the case of **State of Raj. Vs. Shyam Lal Joshi [(1994) 1 SCC 593]** has held that such teachers who are in service are required to obtain required qualification within three years for appointment as General Teacher.

The writ petitioners No.1 & 3 after their regular selection were appointed as Teacher Gr.III on 7th April, 1984 and petitioner No.2 was appointed as Teacher Gr.III on 22nd February, 1984 and they possess the diploma of C.P.Ed. from Amravati, Maharashtra, which was recognised equivalent to BSTC

by the State Govt. at the time of their appointment. But in view of the judgment in Shyamlal Joshi [supra], the State Govt. issued circular dt.30th October, 1992 and being aggrieved the present petitioners jointly approached to this court and by interim order dt.8th December, 1992 this court stayed the operation of the order of circular dt.30.10.92 [Ann.5] in pursuant to which the action could not have been proposed against the petitioners and these petitioners were allowed to continue in service.

During the pendency of writ petition, the petitioners have filed their affidavits and petitioners No.1 and 3 have qualified their STC course in the year 2004 and petitioner no.2 has qualified B.Ed. from Kota Open University in the year 1995. Certificate of qualifying training course has been placed on record.

Counsel for petitioners submits that in view of qualifications acquired during pendency action cannot be initiated against them, without going into the controversy of their qualification of diploma NTC on which they finally sought employment which now loose its significance for the reason that they now possess the qualification which is pre-requisite condition under the Rules for holding the post of General Teacher and they are professionally qualified to hold the post of General Teacher. This

fact has not been disputed by the respondents that the petitioners have now cleared the qualification which is pre-requisite for holding the post of Teacher under the Scheme of Rules. In my opinion, the question raised in the petition is not now required to be gone into in view of the subsequent development which has taken place.

Counsel for petitioner has informed to this court that despite qualifications acquired by them, still they are being fixed at the minimum of pay scale. If that be so, the respondents are directed to release their due increments and other benefits and so also for grant of selection scale in accordance with the relevant Rules.

With the aforesaid direction, the writ petition is disposed of. There shall be no order as to costs.

[Ajay Rastogi],J.

FRB